

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MAURICE O'NEAL BANKS	_____	:	CIVIL ACTION
		:	
v.		:	NO. 07-967
		:	
WARDEN MCFADDEN, et al.	_____	:	

ORDER

AND NOW, this 29th day of May, 2009, upon consideration of Defendant Shivone's Motion for Summary Judgment (docket no. 23) and Plaintiff's Motion to Appoint Counsel (docket no. 24), and for the reasons stated in the accompanying memorandum, it is **ORDERED** that Defendant's Motion for Summary Judgment is **GRANTED** and that Plaintiff's Motion to Appoint Counsel is **DENIED**. Accordingly, judgment is entered in favor of Defendant Shivone, and the Clerk of the Court shall mark this case **CLOSED**.

BY THE COURT:

S/ BRUCE W. KAUFFMAN

BRUCE W. KAUFFMAN, J.